



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,532	03/29/2004	Ye Gu	60001.0324US01/MS306700.1	2260
7590 Leonard J. Hope Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903			EXAMINER WONG, WILLIAM	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 12/07/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/811,532

Applicant(s)

GU, YE

Examiner

William Wong

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-16,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-16,19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is in response to the RCE filed on September 26, 2007.

- Claims 1, 10, 19, and 20 have been amended.
- Claims 2, 17, and 18 have been cancelled.

Claims 1, 3-16, and 19-20 are pending and have been examined. Previous claim objections and 35 USC 112 second paragraph rejections have been withdrawn in view of amendments.

### ***Claim Objections***

1. Claims 1, 19, and 20 are objected to because of the following informalities: The claims recite "menu layout data comprising an items component specifying an area, a screen inside of which content is to be displayed and including at least one of the following: an items layout, a focus layout, and pagination data". It is unclear whether "a screen inside of which content is to be displayed" is describing the "area" or if it is a separate element of the "items component". It is also unclear whether "including at least one of the following" is describing the "items component" or the "screen". It is noted that as per the specification, the "items component 302 specifies an area of the screen inside of which key content... The items component 302 contains an item layout... focus layout... pagination..." (e.g. in page 10). This needs to be clearly reflected in the claims. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dees (US 2003/0137539 A1) in view of Burkett et al. (6,476,828 B1).

Claim 1

As per independent claim 1, Dees teaches **a method for dynamically generating a user interface menu, the method comprising: storing a menu definition file containing data describing one or more menu items to be displayed as the menu** (e.g. in paragraph 35 on page 2-3 and paragraph 37 on page 3, *user interface definition document* and paragraph 47 on page 3, *displays a list with the options from which the user can choose*; therefore, user interface definition file includes a menu definition file); **storing a view definition file separate from the menu definition file, the view definition file comprising data describing how the menu should appear when displayed** (e.g. in paragraph 35 on page 2-3, *style sheet document*) and **menu layout data comprising an items component specifying an area, a screen inside of which content is to be displayed and including at least one of the following: an items layout, a focus layout, and pagination data** (e.g. in paragraph 38, *layout* and paragraphs 53-54); and **utilizing the contents of the menu definition file and the view definition file to dynamically generate the menu** (e.g. in

paragraph 51 on pages 3-4 and paragraphs 56-57 on page 4), but does not specifically teach **wherein the menu definition file and the view definition file are updateable without requiring any modification to an underlying program code for displaying the menu**. However, Dees teaches updating the user interface (e.g. in paragraphs 49-51 and 56-57), wherein the files which define the user interface, a user interface definition document and a style sheet, are XML documents (e.g. in paragraph 37 and 53; note that XUL and UIML are forms of XML). To generate the user interface, the XML documents are fed to a user interface module, and the generated user interface is then passed to a rendering module for display (e.g. in paragraphs 49-51). It is evident that the files used to define the user interface of Dees are separate from the code that generates and displays the user interface. Updates to the files would not typically require modification to the rendering module unless specifically programmed to do so. However, modifying the underlying program code would require recompiling of code, slowing down the update process, as shown by Burkett (e.g. in column 1 lines 21-30). Burkett discloses the use of separate XML files to define his menus and updating those files without requiring modification to an underlying program code for displaying them (e.g. in column 1 lines 21-49 and column 9 lines 9-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have the files of Dees updateable without modification to underlying program code, disclosed by Burkett, for the purpose of more quickly updating the user interface menu for display.

Claim 19

Claim 19 is the system claim corresponding to the method claim 1, and is rejected under the same reasons set forth in connection with the rejection of claim 1. Dees further teaches **a memory storage and a processing unit coupled to the memory storage** (e.g. in paragraph 33-35 on pages 2-3 and paragraph 52 on page 4).

#### Claim 20

Claim 20 is the computer readable storage medium claim corresponding to the method claim 1, and is rejected under the same reasons set forth in connection with the rejection of claim 1. Dees further teaches **a computer-readable storage medium having executable instructions stored thereon** (e.g. in paragraph 35 on pages 2-3 and paragraph 52 on page 4).

4. Claims 3-9 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dees (US 2003/0137539 A1) in view of Burkett et al. (6,476,828 B1), and further in view of Kelts (2002/0112237 A1).

#### Claim 3

As per claim 3, Dees teaches the method of Claim 1 (see the rejection of claim 1), but does not specifically teach **a preview component for displaying a preview corresponding to a currently selected menu item**. However, Kelts teaches the above limitation (e.g. in figures 1-4, *map item information area and content description element* and in paragraph 94 on page 9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Dees with

the preview component of Kelts to provide the user with additional information pertaining to a selected menu element.

#### Claim 4

As per claim 4, the rejection of claim 1 is incorporated, but Dees does not specifically teach **a category component for displaying information corresponding to a group of menu items**. However, Kelts teaches the above limitation (item 118 in figure 1 and in paragraph 68 on page 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Dees with the category component of Kelts to provide the user with an understanding of the relationship among groups of menu elements so that the user can better navigate the menu.

#### Claim 5

As per claim 5, the rejection of claim 1 is incorporated and Dees further teaches the style sheet used to store information regarding look and feel of the user interface as described in paragraphs 3 and 38, while the user interface definition document includes content information of the user interface such as the buttons (which is a form of graphic) or the text as described in paragraphs 2 and 39 for which the style sheet can specify the properties, but Dees does not specifically teach **a graphic to be displayed for each of said one or more menu items in the items component when a menu item is unselected**. However, Kelts teaches the above limitation (e.g. in figures 1-3 and in

paragraph 48 on page 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Dees with the menu item graphic of Kelts to provide a representation on the menu screen that the user can immediately recognize as a selectable option and can quickly associate that representation with what the representation represents.

#### Claim 6

As per claim 6, the rejection of claim 3 is incorporated and Dees further teaches the style sheet used to store information regarding look and feel of the user interface as described in paragraphs 3 and 38, while the user interface definition document includes content information of the user interface such as the buttons (which is a form of graphic) or the text as described in paragraphs 2 and 39 for which the style sheet can specify the properties, but Dees does not specifically teach **a graphic that should be displayed in the preview component when a menu item is selected**. However, Kelts teaches the above limitation (e.g. in figures 1-3 and in paragraph 61 on page 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Dees with the preview component graphic of Kelts to provide additional information that the user can associate with the selected menu element.

#### Claim 7

As per claim 7, the rejection of claim 1 is incorporated and Dees further teaches the style sheet used to store information regarding look and feel of the user interface as



described in paragraphs 3 and 38, while the user interface definition document includes content information of the user interface such as the buttons or the text as described in paragraphs 2 and 39 for which the style sheet can specify the properties, but Dees does not specifically teach **a text label to be displayed for each menu item in the items component**. However, Kelts teaches the above limitation (e.g. in figures 1-3 and in paragraph 90 on page 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Dees with the text label of Kelts to allow the user to quickly understand what each menu element represents.

#### Claim 8

As per claim 8, the rejection of claim 3 is incorporated and Dees further teaches the style sheet used to store information regarding look and feel of the user interface as described in paragraphs 3 and 38, while the user interface definition document includes content information of the user interface such as the buttons or the text as described in paragraphs 2 and 39 for which the style sheet can specify the properties, but Dees does not specifically teach **a text description to be displayed for each menu item in the preview component**. However, Kelts teaches the above limitation (e.g. in figures 1-4 and in paragraph 94 on page 9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Dees with the text description of Kelts to provide the user with more detailed information pertaining to a selected menu element.

Claim 9

As per claim 9, the rejection of claim 1 is incorporated and Dees further teaches **wherein for each of the one or more menu items the menu definition file stores data identifying an action to be performed upon receiving a request to execute a selected menu item is received** (e.g. in paragraph 36 and 47 on page 3).

Claim 11

As per claim 11, the rejection of claim 1 is incorporated and Dees further teaches **wherein the view definition file stores data defining a style to be utilized when displaying the menu defined within the menu definition file** (e.g. in paragraph 38 on page 3, *style information for abstract elements, including user interface elements*).

Claim 12

As per claim 12, the rejection of claim 11 is incorporated and Dees further teaches **wherein the style comprises data identifying a background image to be utilized within the items component** (e.g. in paragraph 38 on page 3).

Claim 13

As per claim 13, the rejection of claim 11 is incorporated and Dees further teaches **wherein the style further comprises data defining an on screen position for each of the menu items within the items component** (e.g. in paragraph 38 on page 3, *X- and Y-coordinates on the screen and layout*).

Claim 14

As per claim 14, the rejection of claim 1 is incorporated and Dees further teaches **receiving an updated menu definition file and an updated view definition file and replacing the menu definition file with the updated menu definition file and replacing the view definition file with the updated view definition file** (e.g. in paragraph 51 on pages 3-4 and paragraphs 56-57 on page 4).

Claim 15

As per claim 15, the rejection of claim 14 is incorporated and Dees further teaches **wherein the updated menu definition file and the updated view definition file are received via a wireless connection** (e.g. in paragraph 34 on page 2 and paragraph 51 on pages 3-4 in view of figure 1).

Claim 16

As per claim 16, the rejection of claim 14 is incorporated and Dees further teaches **wherein the updated menu definition file and the updated view definition file are received via a memory device** (e.g. in paragraph 52 on page 4).

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dees (US 2003/0137539 A1) in view of Burkett et al. (6,476,828 B1), and further in view of Kim (US 2004/0048607 A1).

Claim 10

As per claim 10, the rejection of claim 1 is incorporated, but Dees does not specifically teach **wherein the one or more menu items comprises a folder**.

However, it was well known in the art for menu items to include folders, as shown by Kim (e.g. in figure 1 item 4). It would have been obvious for one of ordinary skill in the art at the time of invention to modify the menu items of Dees to include the folders shown by Kim for the purpose of organizing and providing access to elements that the user is to interact.

***Response to Arguments***

6. Applicant's arguments filed September 26, 2007 have been fully considered but they are not persuasive.

Applicant argues in substance that Dees does not disclose menu layout data comprising an items component including an item layout, a focus layout, or pagination data. However, examiner respectfully disagrees. The style sheets of Dee clearly include such data as shown in paragraphs 38 and 53-54, for example. As such, the rejections of the claims stand.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Wong whose telephone number is 571-270-

Application/Control Number:  
10/811,532  
Art Unit: 2178


Page 12

1399. The examiner can normally be reached on M-F 7:30-5:00 EST with every other Friday 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William Wong/

  
ADAM BASEHKAR  
12/04/07